THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23173 of 2006

Dated:09.08.2007

Between:

Nakka Venkat Rao, S/o.Late Satyam.

…Petitioner

and

The Govt.of A.P., Social Welfare (L.T.R.-2) Dept.,
Secretariat, Hyderabad. Rep.by its Prl.Secretary.,
and others.

…Respondents

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ORDER:

The petitioner is allegedly in occupation of land admeasuring Acs.3.00 in Survey No.19/4 situated at Velagalapalem Village of Rajavommangi Mandal in East Godavari District. The third respondent herein initiated action in L.T.R.P.No.251 of 2004 and passed an order of ejectment on 29.12.2004. The petitioner then filed C.M.A.No.22 of 2005 before the second respondent, which was dismissed on 23.07.2005. The petitioner filed a revision petition under Section 6 of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (for brevity, the Regulation), before the Government, who by impugned letter dated 23.09.2006 informed the Counsel for the petitioner that the revision is rejected, as it is filed after lapse of five months.

After hearing the learned Counsel for the petitioner and the learned Government Pleader for Social Welfare, this Court is convinced that the first respondent failed to exercise revisional jurisdiction vested in them properly. By reason of the judgment of the Supreme Court in **State of Gujarat v. Patel Raghav Natha**[1] it is settled that when the Government or higher authority is vested with the revisional jurisdiction without prescribing any time limit, such power can be exercised within a reasonable time. What is reasonable time depends on the facts and circumstances of each case. In this case the Additional Agent passed order on 23.07.2005, and the revision was submitted on 21.02.2006. In the considered opinion of this Court, the delay of five months in presenting the revision petition is not unreasonable, and therefore, the first respondent ought to have exercised the revisional

jurisdiction.

In view of the above, the impugned letter is set aside and the matter is remitted to the first respondent with a direction to pass appropriate orders in the revision petition filed by the petitioner on 21.02.2006 on merits, within a period of four months from the date of receipt of a copy of this order, after giving an opportunity to the petitioner to represent his case as required under Section 6 of the Regulation.

The Writ Petition is accordingly allowed. No costs.

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(V.V.S.RAO, J)

09.08.2007
vs

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[1] AIR 1969 SC 1297